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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/012,144	01/22/1998	THOMAS A. NAPOLI	77140DMW	1786
1333 7590 09/06/2007 EASTMAN KODAK COMPANY PATENT LEGAL STAFF 343 STATE STREET ROCHESTER, NY 14650-2201			EXAMINER NGUYEN, LUONG TRUNG	
			ART UNIT 2622	PAPER NUMBER
			MAIL DATE 09/06/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/012,144	Applicant(s) NAPOLI ET AL.	
	Examiner LUONG T. NGUYEN	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8,9,12,13 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8,9,12,13 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. The indication of allowable subject matter of the dependent claims 7-8, 10, 14-15, as indicated in Paper mailed 5/03/2007, has been withdrawn due to an alternative interpretation of Kawamura et al. (US 7,092,024), which read on dependent claim 7. Therefore, the rejection has been withdrawn. However, upon further consideration, a new non-final action sets forth below.

Claim Objections

2. Claims 1-6, 8-9, 12-13, 15 are objected to because of the following informalities:
- Claim 1 (lines 10 and 16) both recites limitation "a period of time," therefore,
Claim 1 (line 16), "a period of time" should be changed to --the period of time--.
- Claim 4 (line 2), "a processing section" should be changed to --the processing section--.
- Claim 4 (line 4), "an erase command" should be changed to --the erase command--.
- Claim 5 (line 7), "the buffer memory" should be changed to --the first buffer memory--.
- Claim 5 (line 15), "an image" should be changed to --the image--.
- Claim 8 (line 3), claim 15 (line 3), "the partially" should be changed to --a partially--.
- Claim 9 (line 14), "an image" should be changed to --the image--.
- Claim 13 (line 4), "an image" should be changed to --the image--.
- Claims 2-4, 8 are objected as being dependent on claim 1.
- Claim 6 is objected as being dependent on claim 5.

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Claim 12 is objected as being dependent on claim 9.

Claim 15 is objected as being dependent on claim 13.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 5, 9, 13, 15 are rejected under 35 U.S.C. 102(e) as being anticipated by

Kawamura et al. (US 7,092,024).

Regarding claim 5, Kawamura et al. discloses an electronic camera for capturing and displaying one or more images, said camera comprising:

an optical viewfinder (optical finder 14, figure 5, column 6, lines 45-54) for composing an image prior to image capture;

a sensor (imaging portion 1, figures 2, 5, column 3, lines 3-24; column 6, lines 29-53) for capturing an image;

a first buffer memory (buffer, column 3, lines 3-23) for storing the captured image;

an electronic image display (display portion 4, figures 2, 5, column 3, lines 3-24; column 6, lines 29-67) for displaying the captured image stored in the buffer memory;

a processing section (control portion 5, figures 2, 5, column 3, lines 3-34) for performing image processing on the captured image over a period of time and generating a processed image file therefrom, said processing section further responsive to an erase command in order to erase the captured image (CLEAR button 27 is used to erase the recorded data, figure 5, column 6, line 54 – column 7, line 33; column 8, lines 10-20), wherein the processing section erases the captured image prior to completion of the image processing (Kawamura et al. discloses that if the CLEAR button 27 is pressed while the release button 12 is pressed (i.e., not fully pressed, the photographed image data are not recorded in the memory portion 6, the image processing is not completed), the image data or the pen put image data is deleted, i.e., the image data is deleted before the processed image is recording in memory portion 6; figures 2, 5, column 8, lines 10-25);

a second memory (memory portion 6, figure 2, column 3, lines 3-23) for storing the processed image file;

a user interface (detecting portion 2, figure 5, column 6, lines 33-53) for selectively enabling a quick view feature in which the image display is automatically turned on after an image is captured (Kawamura et al. teaches a LCD display mode in an electronic camera, in which the power supply for the display portion 4 is turned on by half pressing the release button 12 (figures 1A, 2, column 12, lines 3-13), the user interface including an actuatable shutter button (release button 12, figure 5, column 6, lines 29-53) effective when actuating for permitting the image sensor to capture image;

an image display controller responsive to actuation of the shutter button for automatically powering up the image display after the image is captured in order to display the captured image

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stored in the first buffer memory (Kawamura et al. teaches a LCD display mode in an electronic camera, in which the power supply for the display portion 4 is turned on by half pressing the release button 12; figures 1A, 2, column 12, lines 3-13);

said user interface further providing the erase command to the processing section, which thereupon erases the captured image (CLEAR button 27 is used to erase the recorded data, figure 5, column 8, lines 10-24).

As for claim 9 all the limitations are contained in claim 5. Therefore, see Examiner's comment regarding claim 5; except for the limitation "wherein the processor responds to an erase command by terminating the processing and deleting a partially completed image file from the second memory," which is disclosed by Kawamura et al. Kawamura et al discloses the CLEAR button 27 is used to erase the recorded data, figure 5, column 6, line 54 – column 7, line 33; column 8, lines 10-20; and Kawamura et al. discloses that if the CLEAR button 27 is pressed while the release button 12 is pressed (i.e., not fully pressed, the photographed image data are not recorded in the memory portion 6, the image processing is not completed), the image data or the pen put image data is deleted, i.e., the image data file is deleted before the processed image file is recording in memory portion 6; figures 2, 5, column 8, lines 10-25).

As for claim 13 all the limitations are contained in claim 5. Therefore, see Examiner's comment regarding claim 5.

Regarding claim 15, Kawamura et al. discloses wherein the captured image is erased by terminating the processing and deleting the partially processed image file from the second memory (Kawamura et al discloses the CLEAR button 27 is used to erase the recorded data, figure 5, column 6, line 54 – column 7, line 33; column 8, lines 10-20; and Kawamura et al. discloses that if the CLEAR button 27 is pressed while the release button 12 is pressed (i.e., not fully pressed, the photographed image data are not recorded in the memory portion 6, the image processing is not completed), the image data or the pen put image data is deleted, i.e., the image data file is deleted before the processed image file is recording in memory portion 6; figures 2, 5, column 8, lines 10-25)).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 6, 8, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamura et al. (US 7,092,024) in view of Nagano (US 5,561,462).

Regarding claim 1, Kawamura et al. discloses an electronic camera for capturing and displaying one or more images, said camera comprising:

an optical viewfinder (optical finder 14, figure 5, column 6, lines 45-54) for composing an image prior to image capture;

a sensor (imaging portion 1, figures 2, 5, column 3, lines 3-24; column 6, lines 29-53) for capturing the composed image;

an actuatable shutter button (release button 12, figure 5, column 6, lines 29-53) effective when actuating for permitting the sensor to capture the image;

an electronic image display (display portion 4, figures 2, 5, column 3, lines 3-24; column 6, lines 29-67) for displaying the captured image;

a processing section (control portion 5, figures 2, 5, column 3, lines 3-34) for performing image processing on the captured image over a period of time and generating a processed image file therefrom, said processing section further responsive to an erase command in order to erase the captured image (clear button 27 is used to erase the recorded data, figure 5, column 6, line 54 – column 7, line 33; column 8, lines 10-20), wherein the processing section erases the captured image prior to completion of the image processing (Kawamura et al. discloses that if the CLEAR button 27 is pressed while the release button 12 is pressed (i.e., not fully pressed, the photographed image data are not recorded in the memory portion 6, the image processing is not completed), the image data or the pen put image data is deleted, i.e., the image data is deleted before the processed image is recording in memory portion 6; figures 2, 5, column 8, lines 10-25);

a quick view feature in which the image display is automatically turned on in response to actuation of the shutter button, without user intervention, for a period of time after an image is captured, said quick view feature including a control section for automatically powering up the image display after the image is captured by the sensor in order to display the captured image (Kawamura et al. teaches a LCD display mode in an electronic camera, in which the power

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supply for the display portion 4 is turned on by half pressing the release button 12 (figures 1A, 2, column 12, lines 3-13).

Kawamura et al. fails to specifically disclose automatically turning off the image display after the period has elapsed. However, Nagano discloses an electronic camera, which includes an electronic view finder 5 that displays image captured by the image sensor 4, and control circuit 26 that causes automatic interval shooting for a number of pictures and at intervals of a given period of time; and to suspend a driving action on the image sensor 4 and to turn off the electronic view finder 5, except when shooting and recording are performed, after commencement of an interval shooting operation with the camera having been set in an interval shooting mode (figure 6, column 8, lines 19-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Kawamura et al. by the teaching of Nagano in order to automatically turn off the display of a camera after a period of time. This reduces power consumption of the camera.

Regarding claim 2, Kawamura et al. discloses a memory section (memory portion 6, figure 2, column 3, lines 3-23) for storing the captured image.

Regarding claim 3, Kawamura et al. discloses a buffer memory (buffer, column 3, lines 3-23) for storing the captured image in order that it may be quickly displayed by the image display during an initial review and an output memory (memory portion 6, column 3, lines 3-23) for storing the captured image after it has been judged to be acceptable during the initial review.

Regarding claim 4, Kawamura et al. discloses a processing section (control portion 5, figures 2, 5, column 3, lines 3-34) for operating on the captured image in order to store the captured image in the output memory and a user interface (detecting portion 2, figure 5, column 6, lines 33-53) provides an erase command to the processing section to erase the captured image (CLEAR button 27 is used to erase the recorded data, figure 5, column 8, lines 10-24).

Regarding claims 6, 12, Kawamura et al. discloses the image display controller automatically powers up the image display for a predetermined period after the image is captured by the sensor in order to display the captured image stored in the first buffer memory (figures 1A, 2, column 12, lines 3-13).

Kawamura et al. fails to specifically disclose automatically turns off the image display after the predetermined period has elapsed. However, Nagano discloses an electronic camera, which includes an electronic view finder 5 that displays image captured by the image sensor 4, and control circuit 26 that causes automatic interval shooting for a number of pictures and at intervals of a given period of time; and to suspend a driving action on the image sensor 4 and to turn off the electronic view finder 5, except when shooting and recording are performed, after commencement of an interval shooting operation with the camera having been set in an interval shooting mode (figure 6, column 8, lines 19-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Kawamura et al. by the teaching of Nagano in order to automatically turn off the display of a camera after a period of time. This reduces power consumption of the camera.

Regarding claim 8, Kawamura et al. discloses wherein the processing section responds to the erase command by terminating the processing and deleting the partially completed image file from the second memory (Kawamura et al discloses the CLEAR button 27 is used to erase the recorded data, figure 5, column 6, line 54 – column 7, line 33; column 8, lines 10-20; and Kawamura et al. discloses that if the CLEAR button 27 is pressed while the release button 12 is pressed (i.e., not fully pressed, the photographed image data are not recorded in the memory portion 6, the image processing is not completed), the image data or the pen put image data is deleted, i.e., the image data file is deleted before the processed image file is recording in memory portion 6; figures 2, 5, column 8, lines 10-25)).

Conclusion


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T. NGUYEN whose telephone number is (571) 272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID L. OMETZ can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LN
09/03/07


LUONG T. NGUYEN
PATENT EXAMINER